

REMARKS/ARGUMENTS

Claims 1-32 are subject to the restriction requirement of June 23, 2006. The Examiner has identified several distinct species subtypes as follows: (1) method step of determining the identity of the protein fused to the marker peptide (*e.g.* 5' RACE, 5'SAVI, 3'SAVI, or SAVI), and (2) viral vectors used in the step of introducing the polynucleotide construct into the genome of a host cell (*e.g.* vectors listed in claim 22). Applicants have been required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable. As will be discussed below, Applicants hereby elect: (1) method = SAVI (without traverse) and (2) vector = pGT-fs0 (with traverse) as the species for should no generic claim be held allowable. Claims covering the elected species include claims 1 – 8, and 11 – 32.

Claim 22 is hereby proposed to be amended to insert the word “of” which was a typographical error.

Method Species

Applicants hereby elect the SAVI species without traverse. Applicants respectfully point out that the Examiner appears to be under the mistaken impression that 5'SAVI and 3'SAVI are subsets of SAVI. This is not the case. Claim 7 actually discloses four methods, not two. The four methods disclosed in Claim 7 are (1) 5'RACE, (2) 5'SAVI, (3) 3'SAVI, and SAVI. Claim 7 is hereby proposed to be amended to limit the scope of the claim to the SAVI species. Claims 9 and 10 are hereby withdrawn is being directed to non-elected subject matter. However, should a generic claim be found allowable, Applicants request rejoinder of claims 9 and 10 pursuant to MPEP § 821.04.

Viral Vector

The Examiner has restricted Applicants to a single viral vector listed in Claim 22. Applicants hereby traverse this restriction. According to the MPEP, when a Markush group occurs in a claim reciting a process, it is sufficient if the members of the group are disclosed in the specification to possess at least one property in common which is mainly responsible for their function in the claimed process, and it is clear that they all possess this property. MPEP § 803.02.

The present claim 22 recites viral vectors in Markush format in a process-type claim. Each of the group members have at least one feature in common; namely, they are all retroviral

vectors for gene trapping, as is disclosed in Table 1 of the specification. Moreover, this property is responsible for their function in the claimed method. Therefore, restriction among this group is improper. Applicants respectfully request withdrawal of this restriction requirement.

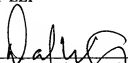
All claims are presently believed to be in condition for allowance. Early and favorable consideration is respectfully requested.

Respectfully submitted,

HOWREY LLP

Dated: August 22, 2006

By: _____


David W. Clough, Ph.D.
Registration No. 36,107
Customer No. 22930

HOWREY LLP
321 N. Clark Street, Suite 3400
Chicago, IL 60610
Telephone: 312/595-1408
Fax: 312/595-2250